

UNITED STATES DISTRICT COURT
For The
WESTERN DISTRICT OF PENNSYLVANIA

U.S.A. vs. James Regis Whitner, Jr.

Docket No. 99-00152-001

Petition on Supervised Release

COMES NOW Theodore W. Johnson, CHIEF PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of James Regis Whitner, Jr., who was placed on supervision by the Honorable Donald E. Ziegler sitting in the Court at Pittsburgh, on the 3rd day of August 2001, who fixed the period of supervision at four years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

- The defendant shall not possess a firearm destructive device, or any other dangerous weapon.
- The defendant shall participate in a program of testing and, if necessary, treatment for substance abuse.
- The defendant shall pay a special assessment of \$100 (paid).

08-03-01: Possession With Intent to Distribute in Excess of 50 Grams of Cocaine Base; 87 months of imprisonment, with 4 years of supervised release to follow.
05-16-03: Sentence amended to time served; Released to supervision with additional amended condition of 6 months' home detention; Currently supervised by the U.S. Probation Office in Charlotte, North Carolina..
03-08-06: Order signed, Judge Lancaster; Conditions modified to include a search condition.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

Your Petitioner reports that the U. S. Probation Office in Charlotte, North Carolina, has advised that Mr. Whitner traveled to Las Vegas, Nevada, without permission from his U.S. Probation Officer. He reportedly lied when initially questioned about the trip and then failed to keep a scheduled office appointment. In light of these technical violations committed by Mr. Whitner, the probation office has recommended that his conditions be modified to include two months' home detention. Mr. Whitner has agreed to this modification and has signed the attached Probation Form 49.

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PRAYING THAT THE COURT WILL ORDER the term of supervised release be modified to include a special condition that the defendant shall submit to home detention, with electronic monitoring or other verification system, for a period of two (2) months at the direction of the U.S. Probation Officer. During this time, the defendant shall remain at his residence except for employment and other activities approved in advance by the probation officer. The defendant shall maintain a telephone at the place of residence without any call forwarding, caller ID, call waiting, modems, answering machines, cordless telephones, or other special services for the above period. The defendant may be required to wear an electronic device or submit to another location verification system and shall observe the rules specified by the probation officer. The defendant will be responsible for the cost of home confinement with electronic monitoring or other location verification system pursuant to the probation office's self-pay policies.

I declare under penalty of perjury that the foregoing is true and correct.

Executed
on

01-05-2007

Jeffrey A. Birt

Jeffrey A. Birt
U.S. Probation Officer

Roselyn Gerson

Roselyn Gerson
Supervising U.S. Probation Officer

Place: Pittsburgh, PA

John H. Lanier
United States District Judge

PROB-49

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF NORTH CAROLINA

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

"The defendant shall submit to home detention, with electronic monitoring or other location verification system, for a period of 2 months at the direction of the U.S. Probation Officer. During this time, the defendant shall remain at his/her residence except for employment and other activities approved in advance by the probation officer. The defendant shall maintain a telephone at the place of residence without any "call forwarding," "caller ID," "call waiting," modems, answering machines, cordless telephones or other special services for the above period. The defendant may be required to wear an electronic device or submit to another location verification system and shall observe the rules specified by the Probation Officer."

"The defendant will be responsible for the cost of home confinement with electronic monitoring or other location verification system pursuant to the probation office's self-pay policies."

Witness:

Dale B. Hedren
U.S. Probation Officer

9-25-04

Date

Signed:

J.R. WNG
Probationer or Supervised Releasee